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## FOREIGN SERVICE DESPATCH

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JUL 20 1955  
D247439FROM : **Embassy Baghdad**  
TO : THE DEPARTMENT OF STATE, WASHINGTON

DESP. NO.

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For Dept.	ACTION	DEPT.
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SUBJECT: Iraqi Position re Outstanding Iraqi-Iranian Border Problems

As the Department is aware, various Iraqi-Iranian border issues remain outstanding and have from time to time been a subject of consideration between the two governments. Usually, however, it has been the Iranian Government which has sought to come to grips with the problem, while the Iraqi authorities, on their part, have been satisfied with the prevailing situation and have preferred to settle issues on a local basis. In this connection, the Department's attention is invited to Embassy Tehran's despatch no. 503, dated May 12, 1955, for a review of current Iranian thinking on these border problems which require settlement.

The possibility of discussions between the Iraqi and Iranian Governments on border issues has now been mooted for the past two years or more. Although the Iranian authorities seem to have been hopeful that talks might be begun during Dr. Fadhil JAMALI's tenure of office as Prime Minister of Iraq, the inauguration of the Nuri al-SAID Government in August of last year is reported to have dampened somewhat any such optimism (see Embassy Tehran's despatch no. 157, dated September 14, 1954). The Iranian Ambassador in Baghdad, M. Hussain GHODS-NAKHAI, tells us, however, that he has consistently urged the Iranian Foreign Office to adopt a more hopeful view of Nuri's attitude toward Iran and to propose to him that the border issues be taken up with a view to resolving them once and for all. His efforts appear to have borne some fruit, when early this year he was instructed to present a proposal to the Iraqi authorities that the entire border issue be discussed by the two parties.

The Iranian proposal evoked no great enthusiasm and was turned over to the Oriental Section of the Iraqi Foreign Office, which was instructed to prepare a report on the Iraqi position with respect to various aspects of the problem. This report was completed in March of 1955 and has been "under study" by ranking Iraqi officials since that time. The report, we are informed, takes the form of a point-by-point comparison of the Iraqi and Iranian positions on the various aspects of the subject.

Sayyid Abdul Mahdi AL-USHAIQAR, the Director of the Oriental Section of the Iraqi Foreign Office, tells us in confidence that there is a major divergence in emphasis between the two positions. The Iraqi position, he states, stresses the importance of the northern land frontier aspects of the problem and places special emphasis upon the need to assure Iraqi farmers residing along the frontier of an

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adequate supply of water coming from streams and canals which have their origin in Iranian territory. In this connection, the Iraqi frontier authorities have for some time been receiving bitter complaints from their border residents that the Iranians have been damming the small canals and streams on the eastern side of the frontier, thereby depriving their Iraqi neighbors of the necessary water with which to cultivate their fields. Al-Ushaiqar comments that the situation has been particularly acute in the Mandali, Badra (where, according to him, Iraqi residents were actually compelled to enter Iranian territory and destroy one such dam by force), Khanaqin and Halabja regions. The Iraqi position in this matter, he contends, is based upon generally accepted principles of international law on the subject of rights of riparian states to an equitable sharing of water. The Iranian position, according to our source, is that this particular aspect of the problem is of minor importance and can be settled, as are recurring tribal migration problems, by the appropriate frontier officers of both parties.

The Iranians, instead, emphasize the Shatt al-Arab sector of the frontier issue. They argue that present control arrangements on the river do not adequately take into account Iranian interests in matters of dredging, navigation, etc. The Department will recall that Article 5 of the Iraqi-Iranian Frontier Treaty of July 4, 1937, stipulated that the two signatories would conclude "... a Convention concerning the maintenance and improvement of the navigable channel, dredging, pilotage, dues to be levied, sanitary measures, measures to be taken for the prevention of smuggling, and all other matters relating to the navigation of the Shatt al-Arab ...". In actual fact, no such Convention has ever been concluded. Under existing arrangements the Iraqi authorities assume full control of river navigation, etc., but contend that they do so in the mutual interest of both states.

In any event, according to Al-Ushaiqar, the Iranians wish a bi-national commission to be appointed charged with regulating Shatt al-Arab matters. The Iraqi authorities, on their part, are strongly opposed to this idea. They fear that if any such bi-national commission is entrusted with regulatory powers over Shatt al-Arab navigation and related matters, their own claim to sovereignty over the river, as defined in Article 4 of the Iraqi-Iranian Frontier Treaty referred to above, must necessarily be compromised. Al-Ushaiqar tells us, too, that it has been decided that the maximum extent to which the Iraqis are prepared to go to meet the Iranian position on this point is to agree, if they must, to the appointment of a bi-national Advisory Commission, which would have powers to investigate navigational problems on the Shatt al-Arab and to make recommendations to the Iraqi control authorities. The latter, he emphasized, will not be obligated to accept any such recommendations.

In view of these divergent opinions, the Iraqi authorities have questioned the advisability of discussing the matter with the Iranians. On the urging of the Iranian Ambassador in Baghdad, however, they have finally agreed to the appointment of a commission, consisting of representatives of the two countries, to consider the problem. There is, of course, some suggestion that this willingness is prompted, in part at least, by Prime Minister Nuri's hope that Iranian

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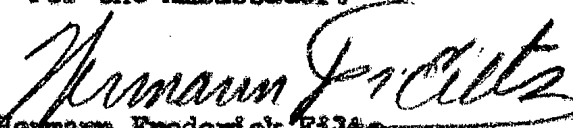
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Adherence to the Turk-Iraqi Pact may be facilitated by Iraq's showing willingness to clear the atmosphere of outstanding issues.

The members of the Iraqi delegation, whose names have not yet been announced, are understood to include representatives of the Ministries of Foreign Affairs, Defense, Interior, and Communications and Works, as well as from the Port of Basrah Directorate General. Their names are reported to have been communicated to the Iranian authorities for concurrence. Al-Ushaiqar tells us that the names of the Iranian delegation members have not yet been received in Baghdad. The exact date and place of the Commission meeting have been left up to the Iranian Government to decide. Al-Ushaiqar personally believes that either Basrah or Abadan or perhaps even both will be designated as the site or sites for the talks. In any event, the Iraqi authorities are currently awaiting an Iranian reply.

For the Ambassador:

  
Hermann Frederick Eilts  
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